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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,220	02/28/2002	Tom Kusic		8010

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AUSTRALIA

EXAMINER


HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/086,220	Applicant(s) KUSIC, TOM 	
	Examiner Stephen A. Holzen	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-15, 22-25, 30, 32, 36, 38, 39, 42, 53-58 and 86 is/are pending in the application.
- 4a) Of the above claim(s) 7-15, 22-25, 30, 32, 36, 38, 39, 42, 53-58 and 86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/29/03 have been fully considered but they are not persuasive.
2. The applicant has attempted to amend claims that were previously withdrawn from consideration. The only claims still under consideration are claims 4-6. The examiner has noted the cancellation of some of the claims. These have officially been removed from the case. The examiner will not enter the amendment to the withdrawn claims.
3. Status of the claims:
  - a. Pending: 4-15,22-25,30,32,36,38,39,42,53-58,86
  - b. Cancelled: 1-3,16-21,26-29,31,33-35,37,70,41,43-52,59-85,87-89
  - c. Withdrawn from consideration: 7-15,22-25,30,32,36,38,39,42,53-58,86
  - d. Only claims currently considered: 4-6

### ***Information Disclosure Statement***

4. The listing of references in the reply is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification or office action reply but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

1. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serriades (3,282,534) in view of Brady (3,985,320) and further in view of Perrin (1,491,310). Serriades discloses a main body, tandem lifting mechanism, primary and secondary lifting mechanisms, an engine assembly, where the primary lifting mechanism comprises a rotor, blades, and blades (inherent that jet engines have rotors, blades as well as stators), and a second lifting mechanism comprising a jet engine attached to a second tilt enabling joint. An aspect of the claim that Serriades does not disclose is the ability to have the primary and secondary tilting mechanisms tilt in opposite directions. However Brady discloses that it is known in the hovering art to allow a tilting mechanism to tilt in opposite directions to enable the aircraft to sustain its stability (see Figure 1). It would have been obvious at the time of the invention to one having ordinary skill in the art to include the teachings of Brady into the device of Serriades for the purpose of increase the safety and stability of the Serriades' aircraft. Another aspect of the claim that Serriades in view of Brady does not disclose is the "controlled tilting of the primary lifting mechanisms in lateral direction relative to the main body of the aircraft able to occur during flight of the aircraft." Perrin (1,491,310) however teaches that it is well known in the art to rotate a primary lifting mechanism laterally. It would have been obvious at the time of the invention to one having ordinary skill in the art to include the teachings of Perrin into the device of Serriades in view of Brady to increase the craft's mobility.

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Re - Claims 5 and 6: Serriadies as applied to claim 4 above does not disclose a turbo jet or a turbo fan however it would have been obvious to use one of these apparatus because what is shown in the references and what is being claimed are "art recognized equivalents."

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin (1,491,310) in view of ordinary skill in the art. Perrin discloses an aircraft with a main body, a primary lifting mechanisms and a secondary lifting mechanism, which main body has a forward end and an aft end, with the primary lifting mechanisms and the secondary lifting mechanism connected to the main body of the aircraft in tandem order, and which primary lifting mechanisms comprise a rotor, and engine assembly and a plurality of blades, and which engine assembly is able to rotate the rotor, with the blades connected to the rotor such that when the rotor is rotated by the engine assembly air can be forced in a downward direction by means of the blades rotating around the rotor, with the primary lifting mechanism able to exert an upward force on the forward end of the main body of the aircraft by forcing air in a downward direction by way of the blades rotating around the rotor, and which primary lifting mechanism is connected to the main body of the aircraft by a tilt enabling joint such that during flight of the aircraft the primary lifting mechanism can be tilted in a plurality of directions and angles relative to the main body of the aircraft, in a controlled manner, and such that controlled tilting of the primary lifting mechanisms in lateral direction relative to the main body of the aircraft is able to occur during flight of the aircraft and such that a direction

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of travel of the aircraft during flight can be altered by altering the lateral direction of angle of tilt of the primary lifting mechanisms relative to the main body of the aircraft, and which said tilt enabling joint is a primary tilt enabling joint, and which secondary lifting mechanism is connected to the main body of the aircraft by an additional tilt enabling joint, which said additional tilt enabling joint is a secondary tilt enabling joint, and which secondary lifting mechanism is connected to the main body of the aircraft by the secondary tilt enabling joint such that during flight of the aircraft other secondary lifting mechanism can be tilted in a plurality of the direction and angles relative to the main body of the aircraft, in a controlled manner, and such that the secondary lifting mechanisms can be tilted in lateral directions relative to the main body during flight of the aircraft and such that a direction of travel of the air during flight can be altered by altering the lateral direction or angles of tilt of the secondary lifting mechanisms relative to the main body, and which secondary tilt enabling joint is such that the secondary lifting mechanism can be tilted in a controlled manner in a lateral direction with respect to the main body of the aircraft during flight of the aircraft that is opposite to a lateral direction that the primary lifting mechanisms can be tilted in with respect to the main body of the aircraft by means of the primary tilt enabling joint during the flight of the aircraft, with the primary tilt enabling joint and the secondary tilt enabling joint connected to the main body of the aircraft, and with the aircraft able to achieve flight by means of upward force exerted on the main body of the aircraft by the primary lifting mechanism through the primary tilt enabling joint and an upward force exerted on the main body of the aircraft by the secondary lifting mechanism through the secondary tilt enabling joint

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while the primary lifting mechanism and the secondary lifting mechanism are maintained in tandem order. (see Figures 1 and 3). Perrin does not disclose a jet engine.

However it would have been obvious to one having ordinary skill in the art to use a jet engine attached to the tilt-enabling joint because a jet engine and a bladed rotor have attained because what is shown in the references and what is being claimed are "art recognized equivalents."

Re - Claims 5 and 6: Perrin does not disclose a turbo jet or a turbo fan, however it would have been obvious to use one of these apparatus because what is shown in the references and what is being claimed are "art recognized equivalents."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4174.

Sah

  
PETER M. POCHI  
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4/20/04